Applying these canons of statutory interpretation, it is quite evident that in the year 1920 an attempt was made to have chiropractic include healing measures which are absent from the Act of 1922 as adopted. There is nothing in the Act of 1922 which permits a chiropractor to do obstetrics or to use water, food, heat, and electricity in his practice.

In the year 1922 a chiropractic measure eliminating medical practices was proposed to the people. The argument in favor of the proposed act stated: It

prohibits the use of drugs, surgery or the practice of obstetrics by chiropractors * * * the teachings and practice of chiropractic are admittedly different from those of medicine.

It would hence appear that chiropractic has a definite meaning and does not include the many matters contended for by the petitioner, McGranaghan.

AS TO MECHANICAL, HYGIENIC AND SANITARY MEASURES

The evidence in the matter at bar shows that there are necessary chiropractic mechanical, chiropractic hygienic and chiropractic sanitary measures. The testimony shows that at one stage in chiropractic a rubber hammer was used upon the vertebra of the spine. While not generally accepted by the profession, it is unquestionably a mechanical measure and as such was used in the year 1922. There is testimony that the chiropractic table is a necessary mechanical measure.

The only evidence in the record as to what is a chiropractic hygienic measure relates to the use of paper towels. These, it appears, are placed upon a chiropractic table and the patient's face placed thereon. The purpose of this is to prevent the patient from coming in contact with such perspiration or disease germs as may have been left by a preceding patient.

There are few sanitary measures which are strictly chiropractic. Indeed, most things used in sanitary measures are included in the realm of *materia medica*. The use of soap and water for cleansing the body of a patient is distinctly a sanitary measure and is not prohibited by Section 7.

As early as the year 1926, it was conceded by the Attorney-General that a chiropractor might use an x-ray for the purpose of analyzing or diagnosing the physical condition of a patient. Our opinion rendered at that time reads as follows:

January 26, 1926.

State Board of Chiropractic Examiners,
Forum Building,
Sacramento, Calif.
Attention: Dr. James Compton, Secy.

Gentlemen:

I have before me your communication under date of January 2nd, 1926, which is as follows:

"Section seven of the Chiropractic Act states, in substance, that a licentiate of the State Board of Chiropractic Examiners is authorized to practice Chiropractic in the State of California, as taught in chiropractic schools or colleges, and also, use all necessary mechanical and hygienic and sanitary measures incident to the care of the body.

"In order that this Board may have a definite understanding of what is meant by the use of 'all necessary mechanical and hygienic and sanitary measures,' in connection with the practice of chiropractic, we would appreciate an official opinion from you relative to the meaning of that portion of section seven to which we have referred.

"We particularly desire to know if a licentiate of this Board may legally use, or hold himself out as using, electrotherapy, hydrotherapy, electronic medicine, etc., as therapeutical agencies in the treatment of disease; or, may he use mechanical agencies only for the purpose of analyzing or diagnosing disease, such as x-ray, stethoscope, neurocalometer, etc."

It would appear that the language of the act authorizing the use of chiropractors of "all necessary mechanical and hygienic and sanitary measures" incident to the care of the body in itself answers the question which you submit, for clearly, sciences, systems or methods for the treatment of disease, such as electrotherapy, hydrotherapy and other systems of treatment, do not come within the scope of chiropractic practice.

It is undoubtedly true that a duly qualified and licensed practitioner of chiropractic may make use of an x-ray machine for the purpose of analyzing or diagnosing the physical condition of a patient but would not be authorized under the act to make use of that machine for the treatment of disease or illness, for that would constitute the practice of medicine which is not included within the science of chiropractic.

The words of the statute in section 7, permitting the use of all necessary mechanical and hygienic and sanitary measures incident in the care of the body, must be construed in a sense restricted to chiropractic. In construing statutes wherein we have words of general sense in conjunction with words of a specific sense, the words of the greater general meaning are restricted by the words of more specific meaning. Take, for instance, the x-ray above referred to. The use of the x-ray therapeutically is the practice of medicine. The use of the x-ray in the chiropractic sense would restrict its use to purposes of analysis or diagnosis, to locate the position of the vertebrae and the relation of one vertebra to another.

This would seem to illustrate the difference between the use of the x-ray as a medical agent and its use as a chiropractic agent.

As to sanitary measures, there would no doubt be a greater range in the use of sanitation as contemplated in the practice of chiropractic than there would be in the use of mechanical measures. Sanitation is inherent in all the healing arts, but the sanitary measures to be used by chiropractors must be confined to those things which are strictly sanitary as distinguished from therapeutic measures used in medicine. Therefore, generally speaking all mechanical, hygienic and sanitary measures used by chiropractic licensees must be construed strictly with the chiropractic idea in mind.

I am therefore of the opinion, to directly answer your query, that a chiropractic practitioner is not, as such, authorized to employ electrotherapy, hydrotherapy, electronic medicine, etc., as therapeutic agencies in the treatment of disease but may with propriety use mechanical agencies such as the x-ray, stethoscope, neurocalometer, etc., purely for the purpose of analyzing or diagnosing for chiropractic treatment.

Very truly yours,
U. S. WEBB, Attorney General,
By LEON FRENCH, Deputy.

CONCLUSION

We have set forth herein what matters constitute chiropractic and ask that this honorable court declare that the petitioner has the right to practice those things only which are within the philosophy of chiropractic and that the use of all therapeutic and electrical appliances, as well as the prescribing of diets, are prohibited by the terms of Section 7 of the Chiropractic Act.

U. S. WEBB,
Attorney-General of the State of California.
LEON FRENCH,
Deputy Attorney-General of the State of California.
LIONEL BROWNE,
Deputy Attorney-General of the State of California.
Attorneys for Intervenor, The People of the State of California.

COURT DECISION ON CHIROPRACTIC CASE

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN FRANCISCO*

Honorable John J. Van Nostrand presiding.

No. 257362

In the Matter of the Application of M. James McGranaghan, for Declaratory Relief, Plaintiff, vs. Dora Berger, Intervenor and Defendant, vs. Roy B. Labachotte, Intervenor and Defendant, vs. The People of the State of California, Intervenor.

MEMORANDUM OF OPINION

This is an action in declaratory relief instituted by M. James McGranaghan seeking an interpretation of Section 7 of the Chiropractic Act. Roy B. Labachotte, Dora Berger and the People of the State of California have filed separately complaints in intervention also asking for an interpretation of the same section, which reads as follows:

One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designed "License to practice chiropractic," which license shall authorize the holder thereof to practice chiropractic

* This is the opinion handed down by Judge John J. Van Nostrand. For Brief on this case, see page 414. Editorial comment is made on page 380.

in the State of California as taught in chiropractic schools or colleges; and, also, to use all necessary mechanical, and hygienic and sanitary measures incident to the care of the body, but shall not authorize the practice of medicine, surgery, osteopathy, dentistry or optometry, nor the use of any drug or medicine now or hereafter included in materia medica.

Much testimony has been introduced and the matter ably and fully argued and briefed by respective counsel.

The District Court of Appeal, in the case of *Evans* vs. *McGranaghan,* said in part:

It contains no definition of "Chiropractic as taught in chiropractic schools or colleges. . . ."

Also,

The intent of the statute is clear upon its face: that the license shall authorize the holder to practice chiropractic as taught in chiropractic schools or colleges. But the court has no way of determining the scope of chiropractic as taught in such schools and colleges in the absence of evidence on that subject, and hence a resort to such evidence would be proper.

After a careful analysis of the testimony, the arguments and authorities cited, I am of the opinion that "chiropractic as taught in chiropractic schools or colleges" means the practice of chiropractic as such, irrespective of the subjects embraced in the curriculum, such as minor surgery, obstetrics, replacing shoulder, hip, rib and foot subluxations and dislocations, etc., which I am of the opinion are embraced in the field of medicine or surgery, and not a part of chiropractic. As counsel for one of the intervenors aptly states: "It may be that a student in dentistry would embrace in his curriculum the study of anatomy, but this would not justify him in practicing either surgery or medicine."

I am further of the opinion that under Section 7 of the Act a chiropractor would have no right to do any of the enumerated things in Sections 8 and 17 of the Medical Practice Act, nor the right to treat the eye, ear, nose, and throat; although I am not of the opinion that a manipulation of the vertebrae of the spine would be included in the word "surgery" as contemplated in the Medical Act, nor can I see under the provisions of this Act where a chiropractor has the legal right as such to practice osteopathy as defined in the cases of *Harlan* vs. *Alderson,* 55 Cal. App. 263, and *In re Rust,* 181 Cal. 73. I am, likewise, of the opinion that under Section 11 of the Dental Laws of the State of California, a chiropractor has no legal right to perform an operation on the teeth of a patient, or "treat diseases or lesions of the human teeth, alveolar process, gums or jaws or correct malimposed positions thereof, or construct, alter, repair or sell any bridge, crown, denture or other prosthetic appliance or orthodontic appliance."

Chapter 598 of the Statutes of 1913 definitely defines "optometry," and I cannot see how it in any manner or form can be included in the term "chiropractic" either in the treatment of the eye or in the use of either lenses, or frames, permanently or temporarily.

I am not in accord with the position assumed by the plaintiff herein as to the unconstitutionality of the words "materia medica," for they have a well-defined and recognized meaning, and have been frequently used by the courts of this state, and consequently I hold that the chiropractor has no right to administer or prescribe drugs or medicines.

I am further of the opinion that the words "all necessary mechanical, and hygienic and sanitary measures" would include the use of the x-ray for the purpose of analysis or diagnosis of the physical condition of the patient, but not for the purpose of treating disease or illness. The same is true as to the stethoscope, neurocalometer, and kindred modalities which might properly be used for diagnostic purposes.

Such appliances or agencies as the chiropractic table, chiropractic hammer, and towels and other instrumentalities as are purely sanitary do not violate the statute, but the use of the various therapeutic agencies such as electrotherapy, hydrotherapy, colonic therapy, etc., are embraced in the practice of medicine and, therefore, forbidden to chiropractors.

JOHN J. VAN NOSTRAND,
Judge of the Superior Court.

Dated September 28, 1936.

THE LURE OF MEDICAL HISTORY†

THE HUNTERS IN EMBRYOLOGY*

By A. W. MEYER, M.D.
Stanford University

I**

THE famous Scotchmen, John and William Hunter, have always occupied a prominent place in the history of medicine, and deservedly so. William also has usually been given a place in the history of embryology almost wholly denied John. Yet Duncan,[1] who championed William in his well-known volume, declared in the Harveian address of 1876 that William "left behind him scarcely anything to perpetuate his memory, except the work on the Gravid Uterus, which, though undoubtedly of great merit, has had no very extensive influence on the progress of knowledge, and cannot in any way be compared with what has been effected by his brother." (p. 1077.)‡ However, Rádl,[2] in his *Geschichte der biologischen Theorien,* barely mentioned John, merely listing him among some other comparative anatomists, and Bilikiewicz[3] only mentioned John in a footnote, although he used the name of his brother for a subtitle. Nordenskiöld,[4] however, gave John, instead of William, a place in his History of Biology. He pointed especially to John's treatise on teeth and to his ideas regarding the blood and his comparative anatomical work. Needham,[5] on the other hand, mentioned both William and John in his History of Embryology, referring to the former as an embryologic iconographer, and especially emphasized John's connection with the idea of recapitulation.

It is not surprising that the unexcelled and sumptuous "elephant" folio on the gravid uterus,[6] for the "elaborateness" of which the author felt it necessary to apologize, attracted great attention at the time of its appearance in 1774, and that it has been extolled very often since that day. It will be recalled that this atlas on human pregnancy is

†A Twenty-Five Years Ago column, made up of excerpts from the official journal of the California Medical Association of twenty-five years ago, is printed in each issue of CALIFORNIA AND WESTERN MEDICINE. The column is one of the regular features of the Miscellany department, and its page number will be found on the front cover.

*From the Department of Anatomy, Stanford University.

** This paper will appear in three parts.

‡ This opinion of Duncan's is substantiated by the fact that such an outstanding embryologist as Charles Sedgwick Minot did not refer to the Hunters in his discussion of the Decidua in the Reference Handbook of the Medical Sciences by Buck, 1894.

1 Duncan, J. Matthews: On the life of William Hunter: The Harveian address, April 13, 1876. Edinburg Medical Journal, 21 (Pt. 2), 1061-1079, 1876.

2 Rádl, Em.: Geschichte der biologischen Theorien seit dem Ende des siebzehnten Jahrhunderts. I. Teil. Leipzig, 1905.

3 Bilikiewicz, Tadeusz: Die Embryologie im Zeitalter des Barock und des Rokoko. Leipzig, 1932. (Arbeiten des Instituts für Geschichte der Medizin an der Universität Leipzig, Band 2.)

4 Nordenskiöld, Eric: The history of biology. Translated from the Swedish by Leonard Bucknall Eyre. New York, 1928.

5 Needham, Joseph: A history of embryology. Cambridge, 1934.

6 Hunter, William: Anatomia uteri humani gravida tabulis illustrata (Anatomy of the human gravid uterus exhibited in figures). Birmingham, 1774.